

*Sweet* /

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AXION POWER INTERNATIONAL, INC.,  
WILLIAM AND TRACY AHEARN, h/w,  
SALLY FONNER, and  
JAMES SMITH, M.D.,

Plaintiffs,

- against -

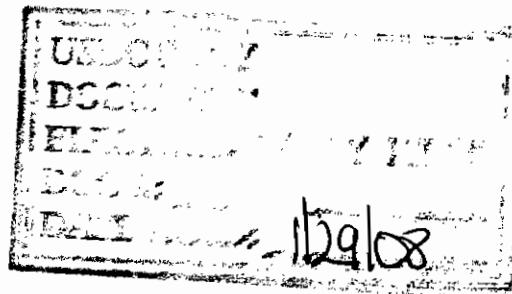
MERCATUS & PARTNERS, LTD.,  
MF GLOBAL, INC., MF GLOBAL, UK, Ltd.,  
CARI MASI a/k/a CARY MASI,  
BNP PARIBAS SECURITIES SERVICES,  
BANCA MB S.p.A.,  
DWIGHT PARSCALE,  
STEPHANO CEVALO,  
CONTINENTAL STOCK TRANSFER AND  
TRUST COMPANY,  
PENSON FINANCIAL SERVICES, INC., and  
BROWN BROTHERS HARRIMAN & CO.,

Defendants.



Civ. Action No. 07-CV-11493 (RWS)

**STIPULATION TO  
ADJOURNMENT**



IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys for Plaintiffs Axion Power International, William and Tracy Ahearn, Sally Fonner and James Smith, M.D. ("Plaintiffs") and for Defendant Penson Financial Services, Inc. ("Penson") that Penson's time to answer or otherwise respond to Plaintiff's December 20, 2007 Complaint be adjourned from the previous date of January 28, 2008 to February 18, 2008.

This Stipulation may be executed in counterparts, and a signature transmitted by facsimile may be filed as an original.

Dated: January 22, 2008

FELLHEIMER & EICHEN LLP

By: \_\_\_\_\_  
Alan S. Fellheimer  
Jolie G. Kahn  
44 Wall Street, 12<sup>th</sup> Floor  
New York, New York 10005  
Tel: (212) 461-7142

MAYER BROWN LLP

By: \_\_\_\_\_  
Mark G. Hanchet  
Jordan Rosenfeld  
1675 Broadway  
New York, NY 10019  
Tel: (212) 506-2500

SO ORDERED:

Dreier  
U.S.D.J.  
1-29-08

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Tel: (212) 506-2500

SO ORDERED:

\_\_\_\_\_  
U.S.D.J.